

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

ALAN WILLIS, Individually and on Behalf of)	No. 2:12-cv-00604-MHW-NMK
All Others Similarly Situated,)	
Plaintiff,)	<u>CLASS ACTION</u>
vs.)	
BIG LOTS, INC., et al.,)	
Defendants.)	
_____)	

**NOTICE OF NON-OPPOSITION TO MOTION OF CITY OF PONTIAC
GENERAL EMPLOYEES' RETIREMENT SYSTEM FOR APPOINTMENT
AS LEAD PLAINTIFF AND APPROVAL OF SELECTION OF COUNSEL**

On September 7, 2012, within 60 days of the publication of the requisite notice on July 9, 2012, class member City of Pontiac General Employees' Retirement System ("Pontiac General") timely filed a Motion for Appointment as Lead Plaintiff and Approval of Selection of Counsel in the above-captioned action. No other motions were filed and thus no opposition can be made to Pontiac General's motion. Accordingly, Pontiac General respectfully submits this notice to inform the Court that its motion is unopposed.

As set forth in its accompanying motion, Pontiac General: (i) timely filed its motion; (ii) has the largest financial interest in the relief sought by the class; and (iii) otherwise satisfies Federal Rule of Civil Procedure 23. Accordingly, pursuant to the Private Securities Litigation Reform Act of

1995, Pontiac General is the “most adequate plaintiff” to lead this litigation on behalf of the class, and its selection of Robbins Geller Rudman & Dowd LLP as lead counsel and Murray Murphy Moul + Basil LLP should be approved. *See* 15 U.S.C. §78u-4(a)(3)(B)(iii); *see also Ohio Public Employees Ret. Sys. v. Fannie Mae*, 357 F. Supp. 2d 1027, 1028 n.1 (S.D. Ohio 2005) (granting unopposed lead plaintiff motion); *Pompano Beach Police & Firefighters’ Ret. Sys. v. Comtech Telecommun’s Corp.*, 2010 U.S. Dist. LEXIS 103218 (E.D.N.Y. Aug. 17, 2010) (same).

Pontiac General respectfully requests that the Court enter the proposed Order submitted with its moving papers.

DATED: October 2, 2012

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JOSEPH F. MURRAY

s/ Joseph F. Murray

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Additional Counsel for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 2, 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send a Notice of Electronic Filing to all counsel of record.

s/ Joseph F. Murray
JOSEPH F. MURRAY